

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

In the matter of Amending Local
Criminal Rule 11.2

General Order No. 560

- (1) Local Criminal Rule 11.2 shall be amended as follows:

The first paragraph of Local Criminal Rule 11.2 shall be amended to read as follows: "All guilty pleas in felony cases may be referred to the assigned magistrate judge to administer the allocution pursuant to Rule 11 of the Federal Rules of Criminal Procedure."

- (2) Local Criminal Rule 11.2(b) shall be amended as follows:

b. Findings.

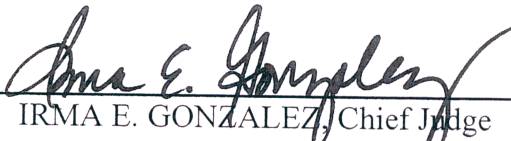
The magistrate judge shall make written findings as to each of the subjects set forth in Rule 11 of the Federal Rules of Criminal Procedure, the voluntariness of the guilty plea, and the sufficiency of the factual basis establishing each of the essential elements of the offense. In a prosecution under 8 U.S.C. § 1326, the magistrate judge shall also make a written finding as to whether the defendant admitted being deported and removed subsequent to the date set forth in the indictment or information.


- (3) The purpose of these amendments is to (a) add felony cases which involve a mandatory minimum sentence to those which may be referred to the assigned magistrate judge to administer the allocution pursuant to Rule 11 of the Federal Rules of Criminal Procedure and (b) expressly authorize magistrate judges to make a factual finding as to whether the defendant admitted being deported and removed subsequent to the date set forth in the indictment or information charging a violation of 8 U.S.C. § 1326, so that the district court may adopt this finding at the time of sentencing or at any future proceeding.

The period for public comment shall be until October 5, 2007. Absent further order of this Court, the effective date of the Rule is October 8, 2007. Any comments should be submitted to the Clerk, U.S. District Court, at 880 Front Street, Room 4290, San Diego, California 92101-8900. Please note on the envelope: in re: Crim. L.R. Amendments.


IT IS SO ORDERED

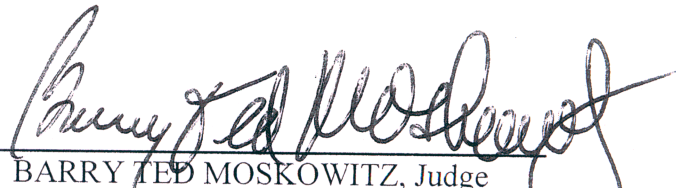
DATED: 9/5/2007

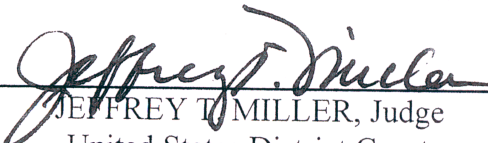

IRMA E. GONZALEZ, Chief Judge
United States District Court



MARILYN L. HUFF, Judge
United States District Court

OUT OF DISTRICT



NAPOLEON A. JONES, JR., Judge
United States District Court

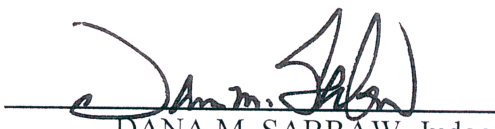

BARRY TED MOSKOWITZ, Judge
United States District Court


JEFFREY T. MILLER, Judge
United States District Court

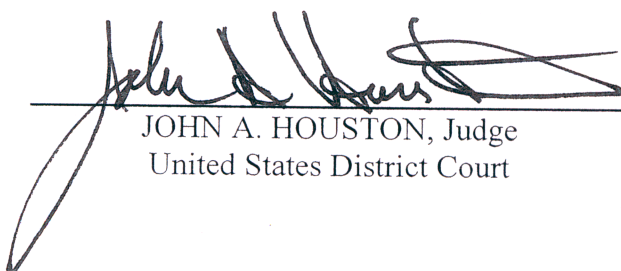

THOMAS J. WHELAN, Judge
United States District Court



M. JAMES LORENZ, Judge
United States District Court


LARRY A. BURNS, Judge
United States District Court


DANA M. SABRAW, Judge
United States District Court


WILLIAM Q. HAYES, Judge
United States District Court


JOHN A. HOUSTON, Judge
United States District Court


ROGER T. BENITEZ, Judge
United States District Court